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MEMO ENDORSED

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October 11, 2022

VIA ECF

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The Honorable Gregory H. Woods
United States District Court
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 2260
New York, NY 10007

Re: *Owen, et al. v. Elastos Foundation, et al.*, Case No. 1:19-cv-05462-GHW (S.D.N.Y.)

Dear Judge Woods:

Defendants in the above-captioned action, pursuant to Rule 4.A.ii. of this Court's Individual Rules of Practice in Civil Cases ("Rule 4.A.ii") and Paragraph 10 of the Stipulated Confidentiality Agreement and Protective Order of this Court, dated March 22, 2022, (Dkt. 100), respectfully submit this letter motion for the Court's approval to file certain documents under seal and with redactions.

Today, Defendants are filing a Motion to Deny Class Certification (the "Motion") pursuant to this Court's order on September 22, 2022. Defendants will also file a Declaration of Carl P. Hudson, counsel for Defendants, in support of the Motion. Attached to this Declaration are exhibits, some of which were designated by the parties as "Confidential" during discovery in this litigation.

Defendants seek approval to redact the personally identifiable information ("PII") (email addresses and financial account information) of non-parties. This is consistent with your Honor's ruling in *Kewazinga Corp. v. Microsoft Corp.*, No. 1:18- CV-4500-GHW, 2021 WL 1222122 (S.D.N.Y. Mar. 31, 2021), in which your Honor held that "[t]he personal information of non-parties, including e-mail addresses, is not relevant to the adjudication of the motions at hand. Because of the significant privacy interests of non-parties, and the lack of relevance of this information to any issue in this litigation, the request to redact the e-mail addresses of [Defendant's] employees is granted." *Id.* at *5; see also *Saint-Jean v. Emigrant Mortg. Co.*, No. 11-CV-2122 (SJ), 2016 WL 11430775, at *8 (E.D.N.Y. May 24, 2016); *Burgess v. Town of Wallingford*, No. 3:11-CV-1129 CSH, 2012 WL 4344194, at *11 (D. Conn. Sept. 21, 2012). Specifically, Defendants seek to redact the following documents to protect PII of non-parties:

- Exhibit 3 (ELF-00920240)
- Exhibit 4 (ELF-00920239)
- Exhibit 9 (ELF-00920242)
- Exhibit 10 (ELF-00920242) (a translation of Exhibit 9)
- Exhibit 11 (ELF-00920241)
- Exhibit 12 (ELF-00065988)

Defendants also seek approval to redact certain documents at the request of Plaintiffs in this action. Defendants take no position on Plaintiffs' request for these redactions. Defendants have conferred with Plaintiffs' counsel about the need to redact or seal these documents, and Plaintiffs seek to preserve certain redactions. Defendants have notified Plaintiffs that pursuant to Rule 4.A.ii., Plaintiffs must file,

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within three days, a letter explaining the need to seal and redact these documents. Specifically, Plaintiffs have requested the following documents be filed with redactions:

- Exhibit 1 (PLF00001666)
- Exhibit 2 (PLF00001692)
- Exhibit 5 (PLF00001699)
- Exhibit 6 (PLF00001707)
- Exhibit 8 (PLF00001721)

Per Rule 4.A.ii, Defendants will (1) publicly file redacted versions of the documents and (2) unredacted versions under seal with the text for proposed redactions highlighted. Defendants will file both versions on ECF and relate them to this letter motion.

Respectfully submitted,

PAUL HASTINGS LLP

/s/ Carl P. Hudson

Carl P. Hudson
Attorneys for Defendants

cc: All counsel of record (via ECF)

Application GRANTED. The documents filed under seal at Dkt. 158 may remain under seal. SO ORDERED.



Barbara Moses
United States Magistrate Judge
October 24, 2022